

REMARKS

This Amendment is being filed in response to the Office Action mailed November 23, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-4 and 6-19 remain in this application, where claims 1 and 8 are independent.

In the Office Action, claims 1-4, 6, 8-10, 13 and 15-16 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,574,482 (Radomsky) in view of U.S. Patent No. 6,100,806 (Gaukel) and U.S. Patent No. 5,515,426 (Yacenda). Further, claims 7 and 14 are rejected under 35 U.S.C. §103(a) over Radomsky in view of U.S. Patent Application No. 2004/0198308 (Hurst). Claims 11-12 and 17 are rejected under 35 U.S.C. §103(a) over Radomsky in view of U.S. Patent Application Publication No. 2004/0077309 (Brass). Claims 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Radomsky in view of U.S. Patent No. 6,915,135 (McKee). It is respectfully submitted that claims 1-4 and 6-19 are patentable over Radomsky, Gaukel, Yacenda, Hurst, Brass, and McKee for at least the following reasons.

Radomsky is directed to a portable badge including an RF transmitter for communication with a fixed reader having an IR and RF receiver mounted in a room. As correctly noted on page 3, first full paragraph of the Office Action, Radomsky does not disclose or suggest that the association data further comprises a leaving time of when the portable device left the communication range of the station, as recited in independent claim 1 and 8. Gaukel is cited in an attempt to remedy the deficiencies in Radomsky.

Gaukel is directed to an apparatus and method for continuous electronic monitoring and tracking of individuals. As described on column 6, lines 37-47, remotes units are provided that "have the capability of uploading new or revised parameters from the central tracking station, as well as storing time stamped location and environmental data between downloads of information to the central tracking station." (Gaukel, column 6, lines 41-45)

It is respectfully submitted that Gaukel merely discloses storing time stamped location, i.e., the time and place where the remote unit is located. Such disclosure does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 8 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the association data further comprises a leaving time, the leaving time being when the portable device left the communication range of said station.

These features are nowhere disclosed or suggested in Radomsky, Gaukel, and combination thereof. Radomsky and Gaukel are not even concerned with a portable device leaving the communication range of a station, let alone disclosing or suggesting any leaving time when a portable device left the communication range of a station. Rather, Gaukel merely discloses storing time stamped location which is the time and place where the remote unit is located. Assuming, arguendo, that even if the leaving time when a portable device left the communication range of a station is derivable from the Gaukel time stamped location, it remains that the actual leaving time (as opposed to data used to derive the leaving time) where a portable device leaves the communication range of a station is nowhere disclosed or suggested in Radomsky and Gaukel, alone or in combination. Yacenda, Hurst, Brass, and McKee are cited to allegedly show other features and do not remedy the deficiencies in Radomsky and Gaukel.

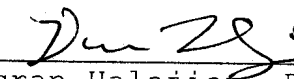
Accordingly, it is respectfully submitted that independent claims 1 and 8 are allowable, and allowance thereof is respectfully

requested. In addition, it is respectfully submitted that claims 2-4, 6-7 and 9-19 should also be allowed at least based on their dependence from independent claims 1 and 8.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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